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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Weinu GAN et al.

Art Unit: 1656

Serial No.: 10/634,905

Examiner: Robinson, Hope

Filed: August 6, 2003

Atty. Docket: CL001147-DIV

For: ISOLATED HUMAN ENZYME
PROTEINS, NUCLEIC ACID MOLECULES
ENCODING HUMAN ENZYME PROTEINS,
AND USES THEREOF

PRELIMINARY AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

By Facsimile

Sir:

This is in response to an Office Action mailed on February 28, 2006 from Examiner Robinson in which a restriction requirement was issued for the above-referenced application.

In response to the restriction requirement, Applicants hereby elect, with traverse, claim group II (claim 3, drawn to antibodies) for examination and have canceled claims corresponding to the non-elected groups III-VII.

However, applicants respectfully request that the Examiner reconsider the claim division of the restriction requirement and combine group II (drawn to antibodies) with group I (drawn to polypeptides).

In particular, examination of the antibody claims of group II, in which the antibodies claimed in the group II claims selectively bind the polypeptides that are claimed in the group I claims (as in the instant situation), is based in part on search and examination of the amino acid sequence of the polypeptides claimed in the group I claims. Therefore, because the search and examination necessary to examine the claims of group II inherently includes a search of the amino acid sequence of the polypeptides

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